

17. The system of claim 1, further comprising:
logic for re-calculating the numbers of the plurality of bins according to the scaled size of the portions.

18. The system of claim 12, wherein the plurality of bins are one set of bins of a plurality of sets of bins, wherein each set of bins is formed from one dimension of elements of a two dimensional array, the logic for scaling comprises:

logic for incrementing an index to point to a subsequent set of bins in the two dimensional array; and

logic for multiplying the current range and the size of the portions by a factor.

19. The system of claim 18, further comprising:
logic for receiving a subsequent data value;
logic for determining whether the subsequent data value is within the factored range;
logic for incrementing the number of a particular bin of the plurality of bins, if the subsequent data value is within the factored range, wherein the particular bin is selected based on the subsequent data value;
logic for storing the subsequent data value in the array, if the subsequent data value is not within the factored range; and
logic for scaling the factored range and the size of the factored portions, if the subsequent data value is not within the factored range.

20. The system of claim 19, further comprising:
logic for re-calculating the numbers of the plurality of bins according to the scaled size of the factored portions.

REMARKS/ARGUMENTS

Applicant hereby traverses the outstanding rejection, and requests reconsideration and withdrawal in light of the remarks contained herein. Claims 1-20 are pending in this application.

Rejection of claims 1-4, 10, 12-14 and 19 under 35 U.S.C. § 103

Claims 1-4, 10, 12-14 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baker et al. ('118, hereinafter Baker) in view of de Vries ('168).

The prior arguments with respect to this rejection submitted by Applicant in the Response filed October 28, 2002, are believed to still be applicable to the above rejection of record and are, accordingly, incorporated herein. For the sake of brevity, those arguments will not be repeated herein. However, Applicant would like to make additional comments in connection with those arguments and therefore, for the convenience of the Examiner, some portion of those arguments may be repeated below. Applicant respectfully requests that the Examiner reconsider Applicant's previous arguments, with respect to insufficient motivation to combine the references and not all claimed elements being taught by the combination of references, in combination with the comments set forth below.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the second criteria, Applicant asserts that the rejection does not satisfy the first and third criteria.

In the Response of October 28, 2002, Applicant argued that the provided motivation was insufficient, because it did not establish the desirability for making the modification. In the Final Office Action, the Examiner has responded by stating that the teachings of Baker suggests that there are many known ways to display various types of data that can be incorporated into Baker's teachings. Applicant respectfully notes that these statements do not provide any desirability for combining de Vries with Baker. These are merely statements that the teachings can be used together, and are not motivation for making the combination.

No valid suggestion has been made as to why a combination of Baker and de Vries is desirable. Therefore, the rejection of claims 1-4, 10, 12-14 and 19 should be withdrawn.

In the Response of October 28, 2002, Applicant argued that the recited combination does not teach or suggest all claimed limitations. In response, the Examiner has stated that the Applicant's arguments fail to comply with 37 CFR 1.111(b) because Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the cited portions of the references. Applicant respectfully disagrees, as Applicant has pointed to specific language in each of the independent claims and then discussed how the combination of references does not teach the language. Therefore, Applicant believes that the Response of October 28, 2002 complies with 37 CFR 1.111(b).

The Examiner further states that Baker at col. 6, lines 13-19 provides an explicit teaching of scaling the current range and size of the portions of the data value that are not within the current range. Applicant respectfully notes that this portion of Baker is describing the trend chart 50 depicted in Figure 4, which is divided into three zones, namely the inner zone of acceptable values, a middle zone of acceptable values that are close to being out-of-spec, and an outer zone of unacceptable values which are out-of-spec. The zones are marked by yellow lines 51 to mark the beginning of the middle zone and red lines 52 to mark the beginning of the outer zone. This portion of Baker does not discuss the scaling the current range and the size of the portions. Therefore, the Applicant respectfully asserts that for the above reasons claims 1-4, 10, 12-14 and 19 are patentable over the 35 U.S.C. § 103(a) rejection of record.

The Examiner has also invited the Applicant to comment on his use of the word "histogram". Applicant respectfully notes that independent claims 1 and 12 do not use the word histogram, and do not discuss the display of data to users. Claim 4 defines "displaying the formatted numbers as a graph to a user", but again does not state the graph is a histogram. Similarly, claim 14 defines "a display for presenting the formatted numbers as a graph to the user", but again does not state the graph is a histogram. While the Examiner may use the word histogram in describing the references being applied to the claims, Applicant respectfully asserts that the claims are broader in scope and coverage than a histogram.

Rejection of claims 5-9, 11, 15-18 and 20 under 35 U.S.C. § 103

Claims 5-9, 11, 15-18, and 20 are believed to be rejected as being unpatentable over Baker and de Vries in view of Fletcher et al. ('264, hereinafter Fletcher).

The prior arguments with respect to this rejection submitted by Applicant in the Response filed October 28, 2002, are believed to still be applicable to the above rejection of record and are, accordingly, incorporated herein. For the sake of brevity, those arguments will not be repeated herein. Applicant respectfully requests that the Examiner reconsider Applicant's previous arguments with respect to insufficient motivation to combine the references and not all claimed elements being taught by the combination of references of October 28, 2002.

The Applicant notes that the Examiner has made no comment with regards to this rejection in the Final Office Action. Therefore, Applicants respectfully request the withdrawal of the standing rejection based on the arguments submitted in the Responses.

Rejection of claims 6 and 16 under 35 U.S.C. § 103

Claims 6 and 16 are rejected as being unpatentable over Baker and de Vries in view of Siu et al. ('924, hereinafter Siu).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

The combination of Baker and de Vries does not disclose all of the limitations of base claims 1 and 12, as discussed above. Siu is not relied upon in the Office Action as disclosing these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Claims 6 and 16 depend directly from base claims 1 and 12, respectively, and thus inherit all limitations of their respective base claims. Each of claims 6 and 16 sets forth features and limitations not recited by the combination of Baker, de Vries, and Siu. Thus, the Applicant respectfully asserts that for the above reasons 6 and 16 are patentable over the 35 U.S.C. § 103(a) rejection of record.

Conclusion

For all the reasons given above, the Applicant submits that the pending claims distinguish over the prior art of record under 35 U.S.C. §103. Accordingly, the Applicant submits that this application is in full condition for allowance.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 10981247-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV259594525US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Date of Deposit: 01-17-2003

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Respectfully submitted,

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